

1930

Department of Lands New Set

OFFICE Boiler
STATION Masva

ms No. 3226

Dated 31. 10 - 30

To whom sent

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DESP
3 NOV 1930

(SUBJECT)
enumeration Land Rev (&)
Particulars Sadaba Villages
S No 14 & 15 - Resumption
Compensation over the
to comm

Mangalore, 13th September 1930.

From

G.W.Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.



Secretary to the Board,

Land Revenue and Settlement, Madras.

Alienation - Land and revenue - Puttur taluk - Kadaba --
village - S.Nos 4 and 15 - alienated to the Taluk Board for
school purposes - resumption by Government - compensation --
claimed - instructions solicited.

Plot S.No. 14 B measuring 15 cents and S.No. 15 B measuring
9 cents of Kadaba village, Puttur taluk were alienated in favour
of the Taluk Board, Puttur, for the purpose of a school in this
office proceedings Dis. 297 D/Ver.-1906, dated 27-7-1906, subje
to the condition laid down in note 3 to para 13 of B.S.O.No. 24
The Taluk Board constructed a school building on the site in 19
The school was subsequently closed owing to the decline in --
attendance of children and on account of the proximity of a --
Higher Elementary School in Kadaba bazaar. The President of the
Taluk Board, Puttur, requests that the sites may be resumed by
Government after paying compensation for the building and other
improvements existing on the sites. I enclose the records of
this office Dis.No. 297 D/Ver.-1906.

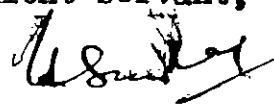
The notations of the two plots have subsequently changed
into S.Nos. 14 and 15. Under condition 12 of B.S.O.24, Vol. I
of 1900, which was then in force, the Government in the case of
resumption will have to pay compensation which shall be equal
to the initial costs or the value at the time of such resumptio
whichever shall be less, of any buildings erected or other --
works executed on the land by the grantee. I am, therefore, in
opinion that the Taluk Board is entitled to the compensation --
asked for. I request to be informed whether my view is corre

2. I enclose a sketch of the plots. The building has

B39

been shown in the sketch. The school building is a tiled building of one room. There also exists a compound mud wall. There are also some trees, such as cashew, jack and mango trees in the site. From the abstract of estimate furnished by the President, Taluk Board, Puttur, it is seen that the building originally cost Rs. 650/-. The Assistant Engineer, Puttur, estimates the depreciation in the value of the building at $1\frac{1}{2}\%$ per year, i.e., about Rs. 150/- for the building. According to him the present value of the building will be Rs. 500/-. The Tahsildar, however, reports that the depreciation may be taken at 3% per year and says that the present value may be taken at Rs. 350/- only. When asked by me whether the Taluk Board is prepared to remove the materials of the building standing on the site or accept the price obtained by the building at a public auction held by the Revenue Officers, the Taluk Board President has sent me a resolution of his Board stating that his Board is not prepared to accept either of the proposals and requesting to be paid compensation as provided in the original grant of the plot. I also held enquiries with a view to ascertain whether there are likely to be any bidders for the building and the site and what the bids are likely to be. Enquiry has showed that no one is willing to bid for the building, as the locality is reported to be haunted by an evil spirit and that the materials of the building alone, if sold by public auction would fetch not more than about Rs. 40/-. The District Labour Officer when asked to report whether his department would be willing to take up the land and building on payment for school purposes for the Adi-dravida children, reported that the land or the building were not necessary for school purposes for his department. The present value of the compound mud wall has been estimated at Rs. 5/- and the tree-growth has been valued at Rs. 9-5-7. I, therefore, request to be informed what value has to be fixed in respect of the building for payment as compensation to the Taluk Board. As for the payment of compensation for the wall and the trees. I think the value reported above may be fixed.

Your obedient servant,



for Collector.

Subject:

FOR MEMBER

READ AGAIN B. P. No. .

dated_

193

93

READ ALSO:-

Register No..

From the 134708 . 0 . 1st 24 No. 24, dated _____ 193

_____, " _____, " _____ 193

" _____, " _____, " _____ 193

B 4708 . 30 - 1 6-60-30
RESOLUTION. No. _____, dated _____ 193

Submitted to Govt for orders
4 The Board considers
that the ~~market~~ value
of the building at the
time of resumption can
only mean the value
that it would fetch if sold
in the open market and
the Collector had estimated.
~~The Board does not in any manner get~~
~~it at Rs 40/- It is unnecessary~~
~~the Tribunal Board cannot claim~~
should pay to pay more than this amount.
to the value paid -

To The Secy to Govt RP
Wm. C. Oakes
p 3rd orig.
DL

HMA

8 OCT 1930

Lud
8/10

XCD
DDP
8.10.30.

8
6.30



Received



Registered

19

Abstract.

Alienation - Land and Revenue - (South Kanara) - Puttur Taluk-
Kadaba village - S.Nos.14 and 15 - Resumption - Compensation
Orders passed

Revenue DEPARTMENT.

G.O. No. 2062 MS

dated 28th October 1930.

Read the following paper:—

From the Board of Revenue, Land Revenue and Settlement,
B.No.4708/30-1, dated the 6th October 1930.

b388

O R D E R :-

The Government agree with the Board of Revenue that a compensation of Rs.40/- (Rupees ~~Forty~~ ^{should} be paid to the Taluk Board, Puttur in respect of the building on S.No.15 B of ~~Kadaba~~ Kadaba village, Puttur Taluk, South Kanara District.

(By Order of the Governor in Council)

H. R. Pate

Secretary to Government.

To the Board of Revenue, Land Revenue and Settlement.

" Local Self-Government Department.

" President, Taluk Board, Puttur

through the Local Self-Government Department.

F o r w a r d e d.
(By Order)

V. Narasimha

Superintendent.

N.M.

alienation and Res
 (S Kanara). Puttur
 Th. Kadaba Village
 Nos 14 & 15. Resumption
 Compensation orders
 passed to comms
 B4708-9
 B5564-A p54

Res (mis) $\frac{3226}{31.10.30}$
 Communicated
 to the Collector of
 South Kanara.

To the Collr of S Kanara.
 WMA 297 Ver D 91
 918-2 - O G v r v

E K
 (30/10)
 30
 30.10.30
 31.10.30

attached
 to the order
 sheet

M/S
S
Att. Att.
Auth. Copy of D.S.O.
(1900 edition)

alienation. Land. (S. Kanara)
. Puttur Taluk. Kadabe Village.
S Nos 14 & 15. Resumption. Payment
of compensation

B 4708 pp 1 & 2 of

To Att. (L.R.)

Please see the Collector's
letter at pp 1 & 2 of

①

2/2u His Dis No 2973/Ver-190.
The Collector of South Kanara sanctioned
the alienation of plot S No 14 & 15 of
Kadabe Village, Puttur Taluk
measuring 15 cents and 9 cents respectively
in favour of the Taluk Board, Puttur
for the purpose of a school. The school
p.c. building was constructed in the year 1915
but it was subsequently closed owing
to the decline in the attendance of
children and on account of the
proximity of a higher Elementary School
in Kadabe bazaar. The President of
p.c. The Taluk Board has requested the
Collector to resume the sites after
paying compensation for the building
and for other improvements effected
on the lands.

of The two plots. Annotations

of the two plots have been changed into S No 14 & 15. Under ~~the~~ ^{the} conditions relating to the resumption of alienated lands, the alienee is entitled to (Rs 50 put up) compensation which shall be equal to the initial cost or the value at the time of such resumption, whichever shall be less, & any buildings erected or other works executed on the land by the grantee. The collector's view that the Taluk Board is entitled to compensation is correct.

4/ The question for consideration is, the amount that the Taluk Board is entitled to, according to the terms of the original grant. The Assistant Engineer. Puthur estimates the present value of the buildings at Rs 500/- p 2 c/ while the Talukdar has fixed it at Rs 350/. The Taluk Board however is unwilling either to remove the materials of the building or to accept the amount that might be realised if the materials are put to auction. It requires compensation as provided p 2 c/ in the original grant of the lands

The collector after enquiring reports that no one is willing to bid for the building ^{materials} ~~precisely~~ that the materials of the building alone cannot fetch more than Rs 40/- as the locality is reported to be haunted by an evil spirit.

In these circumstances, there seems to be no ~~any~~ other course open than to pay the compensation amount fixed by the Tahsildar viz ^{the building} Rs 350/- for ~~the~~ Rs 5 for the mud-wall and Rs 9.5-7 for the free frontage. The collector may therefore be requested to ascertain and report whether the Taluk Board is willing to accept this amount.

Exo Govt. are not likely to realise ^{(2) 1/2} more than Rs 40 by the sale of materials. If any higher amount has to be paid to the Taluk Board by way of compensation for the building Govt. will be put to loss.

Rs 40 may be offered to the Taluk Board for the building with this remark the case may be submitted to Govt. for orders.

HL ^{25.9.30} The extent alienated is 0.24 acre and its value will not be

of the two plots have been changed into S Nos 14 & 15. Under ~~the~~^{the} conditions relating to the resumption of alienated lands, the alienee is entitled to (as set out up) compensation which shall be equal to the initial cost or the value at the time of such resumption, whichever shall be less, & any buildings erected or other works executed on the land by the grantee. The Collector's view that the Taluk Board is entitled to compensation is correct.

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The collector after enquiry reports that no one is willing to bid for the building except that the materials of the building alone cannot fetch more than Rs 40. As the locality is reported to be haunted by an evil spirit in these circumstances, there seems to be no ~~way~~ other course open than to pay the compensation amount fixed by the Tahsildar viz ^{the building} Rs 350/- for the building, Rs 5 for the mud-wall and Rs 9.5-0 for the tree growth. The collector may therefore be requested to ascertain and report whether the Taluk Board is willing to accept this amount.

Exo
(2) Govt. are not likely to realise more than Rs 40 by the sale of materials. If any higher amount has to be paid to the Taluk Board by way of compensation for the building Govt. will be put to loss. Rs 40 may be offered to the Taluk Board for the building with this remark the case may be submitted to Govt. for orders.

Pl
25.9.30 The extent alienated is 0.24 acre and its value will not be

~~are~~ appreciable. The collector made
 2 alternative proposals (1) removal of
 the materials of the buildings or (2)
 acceptance of the price obtained for the
 building at a sale by Govt. officers.
 Both proposals are equitable but the
 Taluk Board has not accepted either.
 Its attitude is unreasonable. Govt. are
 not bound to resume the land even if
 it is only an assumption that the Taluk
 Board will be entitled to compensation
 for the building. There are no conditions
 specified in the ^{Collector's} order of ~~all~~ alienation
 of 27-7-06. under the conditions given in
 (B.S.O. No. 110) the
 Govt. may resume the land alienated
 under certain circumstances. Payment
 of Rs 350 for the building to the Taluk
 Board assuming that the land with the
 building on it does not fetch more than
 about Rs 100 is not a business
 proposition

S
 7/3-9-30

I think the value of the building
 at the time of resumption can
 only mean its market value &
 this value is what fetches it

sold in the open market. (This
 the C. estimates at Rs 400 only).

of the land building was acquired
 under the L. A. Act, we would
 not pay a price more than
 its market value & I
 cannot see why we should
 pay any thing more
 when the building is
 abandoned. With this much
 we may submit, Mr. Cox
 400h.


 2/10/40 Jagers
 2/10

AB(LR)

To ALER

Draft submitted


 3/10


 6-10-40

(Attn) 
 through section 30

6.10.30

b34


 4.10.30

888ues as B's Ref. B47 08-30-10 6.10.30

b54

B 5564

To AS(LA)

Please see the Board's
 Reference at p 3 CF, and the
 G.O at p 5 CF.

Of. In his letter app 1 & 2 CF
 the collector did not specifically
 raise the question of the

Resumption of the land & tho' it
 is here it refers to the request
 of the President of the Taluk
 Board to resume ~~the land~~

At the question of re. payment of
 compensation ^{alone} was raised, but too
 did not ^{evidently} pass orders sanctioning
 the Resumption. It seems
 unnecessary to raise the question
 at this stage, as the Collector will
 only once again address the Board
 of the Taluk Board after to
 receive the compensation fixed
 by Gov. The Rs. may be ~~simply~~
 communicated to the Collector &
 Draft Submitted.

2/10/30

30.10.30.

31.10.30.

31.10.30.